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Senate Bill SB-14F-2786 Title VII Revisions, The Compliance and Balance Act (CBA)

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SB-14F-2786: The Compliance and Balance Act (CBA)

- Whereas: The Student Government of the University of North Florida was established to represent student concerns in all University wide matters, and;
- Whereas: The Senate is the legislative body of the University of North Florida's Student Government given the responsibility of carrying out such legislative acts that are necessary and proper for the Student Body of the University of North Florida; and;
- Whereas: Legislation dealing with necessary and proper statutory revisions to the System of Statutes shall be considered by the Senate; and
- Whereas: In the case of a faltering and unabashedly egregious exploitation of power and conflict with the Constitution, revisions must be made, and;
- Therefore: The following necessary and proper revisions to the Student Government System of Statutes, Title VII, are being proposed in an effort to insure future compliance with the law and the balance of our democratic system:

TITLE VII: THE ENFORCEMENT STATUTE

Chapter 700: Enforcement

- 700.1 Enforcement of the Student Government Constitution and System of Statutes as well as all policies, procedures, Legislative acts, Judicial Decisions, and Executive Acts created within their bounds shall be accomplished under the provisions of this title.
- 700.2 Noncompliance shall be defined as the failure or refusal to comply, whether intentional or not, with the Student Government Constitution and by extent the System of Statutes, and/or any policy, procedure, Legislative act, Judicial Decision, or Executive Acts created within their bounds. An issue of noncompliance shall constitute grounds for a Judicial Complaint to be filed in the matter.
- 700.3 Subpoena shall be defined as an order issued by the Legislative Branch as prescribed by law compelling the attendance of any person(s) and/or the production of documents or other materials in question at a proceeding for questioning.
- 700.4 Those subject to enforcement under this Title are:
- A. All Student Government funded entities and members thereof, and;



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B. All Student Government Committees, and members thereof, and;

C. All elected and appointed members of Student Government.

Chapter 701: Subpoena

701.1 The authority to issue a Legislative Subpoena shall be vested in the following offices:

A. The Senate President, by order.

B. The Budget and Allocations Committee, through unanimous consent

C. The Government Oversight Committee, through unanimous consent.

D. Any eight (8) Senators, by order.

701.2 Subpoenas must be issued allowing at least five (5) business days for the subject to comply.

701.3 All subpoenas shall adhere to the following format regulations:

A. Be issued to a specific person(s) via email and in print, and;

B. Be issued in the form of a memorandum, and;

C. Begin with the phrase, "By order of (insert authority/issuer) you are hereby subpoenaed to appear before (insert name appropriate of committee/court/tribunal) on (insert date) at (insert time) in reference to your involvement in/with (insert brief description of issue in question). If you cannot comply due to a confirmed conflict with a class you are currently enrolled in, reasonable accommodation will be provided to you."

701.4 Issuance of a subpoena shall be limited in scope to a single matter in question.



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701.5 Subpoenas shall require only that a person(s) attend or present materials at a meeting to participate in a Subpoena Hearing.

A. Subpoena Hearings shall abide by the following agenda and may be held as items of new business within other agendas:

1. Opening statement given by the presiding officer.
2. Opening statements given by person(s) subpoenaed.
3. Reasonable time given for questioning of the subpoenaed by members of the presiding body.
4. Reasonable time for students to question the subpoenaed may be provided if so ordered within the subpoena.
5. Hearing closed by presiding officer and floor opened for motions.

701.6 Refusal to comply with a subpoena shall constitute noncompliance against Title VII. Hearings may take place without the subject if the subject refuses to comply.

Chapter 702: Grounds for Removal of a Student Government Officer

701.1 Grounds for removal of a Student Government Officer shall be limited to the following as stated in Article VII of the Student Government Constitution.

- A. Malfeasance, which shall be defined as "a wrongful, unlawful, and/or dishonest act committed" by an elected or appointed member of Student Government.
- B. Misfeasance, which shall be defined as "a lawful act performed in a wrongful manner" by an elected or appointed member of Student Government.
- C. Neglect of duty, which shall be defined as nonfeasance, is "the failure to act when a duty to act existed".



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- D. Incompetence, which shall be defined as "The state or fact of being unable or unqualified to do something".
- E. Permanent inability to preform official duties.
- F. Conviction of felony within the justice system of the United States of America.

Chapter 703: Impeachment

703.1 In accordance with the Student Government Constitution, Article VII Section 1, any member of Student Government shall be removed from office through impeachment if Articles of Impeachment are passed, according to law, against them.

703.2 Articles of Impeachment shall:

- A. Be addressed concerning a single individual beginning with the phrase, "By order of (insert appropriate authorities) the following Student Government member, (insert name of member being impeached along with their title) is hereby impeached from office under the following articles:"
- B. Contain a section enumerating the grounds on which the Student Government member is being impeached, and;
- C. Contain a section summarizing the charges levied that constitute grounds for removal along with any evidence brought forward, and;
- D. Conclude with an enactment clause that resolves the decision of the proper authorities as outlined under Chapters 703.3, 703.4, and 703.5 allowing the Articles to take effect immediately upon passage.

703.3 Impeachment of an Executive Branch member:

- A. The Judicial Council may choose to recommend that the Senate adopt Articles of Impeachment against a member of the Executive Branch convicted under a Judicial Complaint as part of their sentencing measures.



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1. If Articles of Impeachment are recommended by the Judicial Council, the recommendation shall be forwarded to the Senate to be placed on the agenda of the next upcoming Senate meeting, if possible. The Senate President shall subpoena the convicted to appear before the Senate when the recommendation is heard to answer to the charges held against them therein.
 2. The Senate shall hold the Subpoena Hearing within the next upcoming meeting, if no confirmed class conflict exists for the accused officer, after which a motion to adopt Articles of Impeachment may be made. Adoption may only occur by two-thirds (2/3) vote.
 3. If the Articles of Impeachment are adopted by the Senate, the impeached officer shall be removed from office immediately.
- B. Any Senator may choose to present Articles of Impeachment against a member of the Executive Branch before the full Senate.
1. If Articles of Impeachment are presented the presiding officer shall immediately call for a motion to hear the Articles, then;
 2. If the motion to hear the Articles passes by majority vote, the Senate President shall subpoena the accused to appear before the Senate when the Articles are to be heard to answer to the charges alleged against them therein, then;
 3. The Senate shall hold the Subpoena Hearing within the next upcoming Senate meeting, if no confirmed class conflict exists for the accused officer, after which a Senator may motion to adopt the Articles of Impeachment. Adoption may only occur by two-thirds (2/3) vote.
 4. If the Articles of Impeachment are adopted by the Senate, they shall be forwarded to the Judicial Council. The Council shall call and hold a Judicial Review Hearing to review the Articles. The accused must appear before the Council when the Articles are to be heard. The Judicial Review Hearing shall occur during or before the next upcoming Judicial Council meeting following the adoption of the Articles of Impeachment by the Senate. Reasonable accommodation shall be made for the accused officer.



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5. Following the Judicial Hearing, a Justice may motion to adopt the Articles of Impeachment. Adoption may occur by majority vote.
6. If the Articles of Impeachment are adopted by the Judicial Council, the impeached officer shall be removed from office immediately.

703.4 Impeachment of a Legislative Branch member

A. The Judicial Council may choose to recommend that the Senate adopt Articles of Impeachment against a member of the Legislative Branch convicted under a Judicial Complaint as part of their sentencing measures.

1. If Articles of Impeachment are recommended by the Judicial Council, the recommendation shall be forwarded to the Senate to be placed on the agenda of the next upcoming Senate meeting, if possible. The Senate President shall subpoena the convicted to appear before the Senate when the recommendation is heard to answer to the charges held against them therein.
2. The Senate shall hold the Subpoena Hearing, after which a Senator may motion to adopt the Articles of Impeachment. Adoption may only occur by two-thirds (2/3) vote.
3. If the Articles of Impeachment are adopted by the Senate, the impeached officer shall be removed from office immediately.

B. Any Senator may choose to present Articles of Impeachment against a member of the Legislative Branch before the full Senate.

1. If Articles of Impeachment are presented the presiding officer shall immediately call for a motion to hear the Articles, then;
2. If the motion to hear the Articles passes by majority vote, the Senate President shall subpoena the accused to appear before the Senate when the Articles are to be heard to answer to the charges alleged against them therein, then;
3. The Senate shall hold the Subpoena Hearing within the next upcoming Senate meeting, if no confirmed class conflict exists for



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the accused officer, after which a Senator may motion to adopt the Articles of Impeachment. Adoption may only occur by two-thirds (2/3) vote.

4. If the Articles of Impeachment are adopted by the Senate, they shall be forwarded to the Judicial Council. The Council shall call and hold a Judicial Review Hearing to review the Articles. The accused must appear before the Council when the Articles are to be heard. The Judicial Review Hearing shall occur during or before the next upcoming Judicial Council meeting following the adoption of the Articles of Impeachment by the Senate. Reasonable accommodation shall be made for the accused officer.
5. Following the Judicial Subpoena Hearing, a Justice may motion to adopt the Articles of Impeachment. Adoption may occur by majority vote.
6. If the Articles of Impeachment are adopted by the Judicial Council, the impeached officer shall be removed from office immediately.

703.5 Impeachment of a Judicial Branch Member

- A. Any Senator may choose to present Articles of Impeachment against a member of the Judicial Branch before the full Senate.
 1. If Articles of Impeachment are presented the presiding officer shall immediately call for a motion to hear the Articles, then;
 2. If the motion to hear the Articles passes by majority vote, the Senate President shall subpoena the accused to appear before the Senate when the Articles are to be heard to answer to the charges alleged against them therein, then;
 3. The Senate shall hold the Subpoena Hearing within the next upcoming meeting, after which a Senator may motion to approve the Articles of Impeachment. Adoption may only occur by two-thirds (2/3) vote.
 4. If the Articles of Impeachment are adopted by the Senate, they shall be forwarded to the President for passage or veto within five (5) business days.



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5. If the Articles of Impeachment are passed by the President, the impeached officer shall be removed from office immediately.

6. If the President vetoes the Articles of Impeachment, they shall return to the Senate and be placed on the agenda of the next upcoming Senate meeting.

7. The Senate may, by three-fourths (3/4) vote, chose to override the President's veto and adopt the Articles of Impeachment.

8. Should the Senate override the President's veto and adopt the Articles of impeachment by three-fourths (3/4) vote, the impeached officer shall be removed from office immediately.

B. The President may choose to submit Articles of Impeachment against a member of the Judicial Branch to the Senate President.

1. If the President submits Articles of Impeachment to the Senate President, her or she shall subpoena the accused to appear before the Senate at the next upcoming Senate meeting, if no confirmed class conflict exists for the impeached officer, then;

2. The Senate shall hold the Subpoena Hearing within the next upcoming meeting, if possible, after which a Senator may motion to approve the Articles of Impeachment. Adoption may only occur by two-thirds (2/3) vote.

3. If the Articles of Impeachment are adopted by the Senate, the impeached officer shall be removed from office immediately.

History: SB-96F-955 (October 29, 1996)
SB-00SA-1353 (August 7, 2000)
SB-00F-1361 (September 8, 2000)
SB-02SB-1568 (September 19, 2002)
SB-04F-1827 (November 29, 2004)
SB-04F-1846 (December 17, 2004)
SB-04F-1849 (December 17, 2004)
SB-05S-1865 (March 7, 2005)
SB-05SA-1917 (June 20, 2005)
SB-07S-2085 (March 6, 2007)



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SB-07S-2117 (April 11, 2007)
SB-07S-2118 (April 11, 2007)
SB-08S-2212 (March 27, 2008)
SB-08S-2213 (March 27, 2008)
SB-08F-2281 (June 26, 2008)
SB-08F-2287 (December 1, 2008)
SB-09S-2306 (February 23, 2009)
SB-11S-2505 (April 4, 2011)
SB-11SA-2528A (October 24, 2011)
OB-14SA-2771 (June 9, 2014)

Legislative Action

Author: Matthew Harris
Sponsor: Kaitlin Ramirez
Committee: Constitution and Statutes
Committee Action: 4-0-0
Senate Action: Unanimous Approval with 24 voting members
Date of Action: September 15, 2014

Signed and Delivered to the Student Body President
on this 17 day of September 2014.

Place Time Stamp Here

SEP 17 PM 12:37

Kaitlin D. Ramirez

Signed

/ *Kaitlin D. Ramirez, Student Senate President*

Executive Action

Let it be known that SB-14F-2786 is hereby
PASSED / VETOED / LINE-ITEM VETOED
on this 18th day of September, 2014.
Joseph C. Turner

Signed,

Joseph C. Turner, Student Body President

Signed and Delivered to the Senate Secretary

Place Time Stamp Here

SEP 18 PM 4:21